

REMARKS

A. Status of the Claims

Claim 1 has been amended to introduce allowable subject matter from claim 18, and claim 14 has been placed into independent format. These are the only two independent claims. The dependency of the remaining claims have been amended as appropriate.

These amendments are proper after-final amendments in that the amendment to claim 1 was to introduce subject matter specifically stated in the most recent office action to be allowable if placed into independent form (see page 6, paragraph 19, of OA dated 6/5/08). Moreover, the amendment to claim 14 was simply to place it into independent format, which is always acceptable after final.

B. Enablement – Claim 14

The Action first states that the enablement rejection of claim 14 is maintained “for reasons of record.” This is incorrect. In the previous action, the enablement rejection was based on the Examiner’s position that claim 14 covered “any three amino acids” of the specified sequences. Nowhere in the previous enablement rejection was any other reason given. In response to the previous rejection, claim 14 was amended to remove the “any three amino acid” language, which amendment specifically addressed the precise basis for that rejection and should have overcome the rejection.

Applicants agree that there was an oversight and misstatement in the previous remarks to the effect that the “AGG” sequence was included in each of the sequences specified in claim 14. Applicants apologize for this oversight, and can now correct the record by the following.

Sequences that include the AGG motif include each of SEQ ID NOS 5 – 29, 30, 34, 35 and 37. To further the case, Applicants have proceeded to amend claim 14 such that it is now directed only to peptide sequences that include the “AGG” motif.

C. *Anticipation*

The Action next rejects claims 1, 3, 11-14, 16 and 17 as anticipated by Thakur *et al.*

This rejection is incorrect. Applicants can find no sequence in Thakur *et al.* that anticipates the sequences set forth in base claim 14, and the Examiner refers us to none. Even if one were to concede that Thakur *et al.* teaches targeting using GAGG (which is not a correct assumption, as GAGG is simply taught by Thakur to be a sequence that can bind radioisotopes – see col. 6, lines 29-41, particularly lines 40-41), it would still have no bearing on any of the sequences of claim 14 as none are in any way anticipated by GAGG.

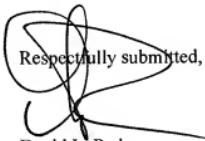
D. *Obviousness*

The Action additionally rejects claims 55 and 56 as obvious over Thakur *et al.* in view of Campbell *et al.*

This rejection is unfounded for the same reasons discussed above with respect to the anticipation rejection.

E. *Conclusion*

It is submitted that the present claims are in condition for allowance, and rejoinder of the withdrawn claims is now in order. The Examiner is invited to contact the undersigned attorney at (512) 536-3055 with any questions, comments or suggestions relating to the referenced patent application.


Respectfully submitted,

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